

1 THE HONORABLE BENJAMIN H. SETTLE
2
3
4
5
6

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 TODD BRINKMEYER

11 Petitioner,

12 v.

13 WASHINGTON STATE LIQUOR AND
14 CANNABIS BOARD,

15 Respondent.

16 Case No. 3:20-cv-05661-BHS

17 **DECLARATION OF ANDY MURPHY IN
18 SUPPORT OF PETITIONER'S RESPONSE
19 TO RESPONDENT'S MOTION FOR
20 SUMMARY JUDGMENT**

21 I, Andy Murphy, hereby declare and state as follows:

22 1. I am one of the attorneys representing the petitioner in this action. I am over the
23 age of eighteen, have personal knowledge of the matters contained in this Declaration, and am
24 competent to testify thereto.

25 2. Attached hereto as **Exhibit A** is a true and correct copy of the Form 10-Q
26 submitted by Acreage Holdings, Inc. to the United States Securities and Exchange Commission
on Nov. 12, 2021, which my office accessed at <https://sec.report/CIK/0001762359> on February
18, 2022.

27 1. Attached hereto as **Exhibit B** is a true and correct copy of the Form F-10
28 submitted by Curaleaf Holdings, Inc. to the United States Securities and Exchange Commission
on Sept. 25, 2020, which my office at <https://sec.report/CIK/0001756770> on February 18, 2022.

29 DECLARATION OF ANDY MURPHY IN SUPPORT OF
30 PETITIONER'S RESPONSE TO MOTION FOR
31 SUMMARY JUDGMENT - 1
32 Case No. 3:20-cv-05661-BHS

33 **Miller Nash LLP**
34 Pier 70 | 2801 Alaskan Way | Suite 300
35 Seattle, WA 98121-1128
36 206.624.8300 | Fax: 206.340.9599

1 2. Attached hereto as **Exhibit C** is a true and correct copy of the Form 10-Q
2 submitted by Truelive Cannabis Corp. to the United States Securities and Exchange Commission
3 on Sept. 30, 2021, which my office accessed at <https://sec.report/CIK/0001754195> on February
4 18, 2022.

5 3. Attached hereto as **Exhibit D** is a true and correct copy of a July 1, 2016
6 document published by Respondent Washington State Liquor and Cannabis Board (the “LCB”)
7 titled “What is a Medical Marijuana Cooperative,” which I accessed at
8 <https://lcb.wa.gov/publications/Marijuana/Cooperatives%20--%20FAQ%202%200.pdf> on
9 February 22, 2022.

10 4. Attached hereto as **Exhibit E** is a true and correct copy of Second Substitute
11 Senate Bill 5052 as passed by the Washington legislature and signed by Governor Jay Inslee in
12 2015, which I accessed at <https://lawfilesext.leg.wa.gov/biennium/2015-16/Pdf/Bills/Session%20Laws/Senate/5052-S2.SL.pdf?q=20220222112329> on February 22,
14 2022.

15 5. Attached hereto as **Exhibit F** is a true and correct copy of a June 15, 2016 LCB
16 press release titled “Preparations in place for July 1 alignment of medical and recreational
17 marijuana systems,” which I accessed at <https://lcb.wa.gov/pressreleases/alignment-med-and-rec-mj-systems> on February 22, 2022.

19 6. Attached hereto as **Exhibit G** is a true and correct copy of a December 16, 2015
20 LCB press release titled “Board to increase number of retail marijuana stores following analysis
21 of marketplace,” which I accessed at <https://lcb.wa.gov/pressreleases/lcb-to-increase-number-of-retail-mj-stores> on February 22, 2022.

23 7. Attached hereto as **Exhibit H** is a true and correct copy of a March 7, 2016 press
24 release titled “Board to close marijuana retail license application window March 31, 2016,”
25 which I accessed at

https://lcb.wa.gov/pressreleases/board_to_close_mj_retail_license_app_window_march31_2016 on February 22, 2022.

8. Attached hereto as **Exhibit I** is a true and correct copy of Engrossed Substitute Senate Bill 5131 as passed by the Washington legislature and signed by Governor Jay Inslee in 2017 (“ESSB 5131”), which I accessed at <https://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/5131-S.SL.pdf?q=20220222113814> on February 22, 2022.

9. Attached hereto as **Exhibit J** is a true and correct copy of the Final Bill Report for ESSB 53131, which I accessed at <https://lawfilesext.leg.wa.gov/biennium/2017-18/Pdf/Bill%20Reports/Senate/5131-S.E%20SBR%20FBR%2017.pdf?q=20220215161249> on February 22, 2022.

Pursuant to 18 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

EXECUTED in Burien, WA on this 22nd day of February, 2022.

s/ Andy Murphy

Andy Murphy

DECLARATION OF ANDY MURPHY IN SUPPORT OF
PETITIONER'S RESPONSE TO MOTION FOR
SUMMARY JUDGMENT - 3
Case No. 3:20-cv-05661-BHS

Miller Nash LLP
Pier 70 | 2801 Alaskan Way | Suite 300
Seattle, WA 98121-1128
206.624.8300 | Fax: 206.340.9599

1 **DECLARATION OF SERVICE**

2 I, Brie Geffre, hereby declare under penalty of perjury under the laws of the United
3 States, that on the 22nd day of February, 2022, a copy of the foregoing document was served
4 upon the attorneys of record in the above cause as follows:

5 PENNY ALLEN, WSBA No. 18821
6 ELLEN RANGE, WSBA No. 51334
7 Assistant Attorneys General
8 1125 Washington St SE
9 Olympia, WA 98501
Phone: (360) 753-2702
Email: PennyL.Allen@atg.wa.gov
Ellen.Range@atg.wa.gov

- via Hand Delivery
 via U.S. Mail
 via Facsimile
 via E-Service
 via Email

10 *Attorneys for Respondent*

11 SIGNED at Seattle, Washington, this 22nd day of February, 2022

12 *s/Brie Geffre*
Brie Geffre, Legal Assistant

14 4858-1532-4687.3